

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE: EVOLUS INC. SECURITIES
LITIGATION**

Case No.: 1:20-cv-08647-PGG

**NOTICE OF DEFENDANT AEON BIOPHARMA, INC.'S MOTION TO DISMISS
AMENDED CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of this Motion dated February 10, 2022, and the Declaration of Edward E. Johnson, Esq. dated February 9, 2022, and the exhibits attached thereto, Defendant AEON Biopharma, Inc. (F/K/A Alphaeon Corporation) will move this Court, before the Honorable Paul G. Gardephe, at the Thurgood Marshall United States Courthouse located at 40 Foley Square, Courtroom 705, New York, New York, at a date and time to be set by the Court, for an Order dismissing the Amended Complaint in the above-captioned action, with prejudice, pursuant to Federal Rule of Civil Procedure Rule 12(b)(6).

DATED: February 10, 2022

Respectfully Submitted,

THEODORA ORINGHER PC

By: /s/ Todd C. Theodora

Todd C. Theodora (admitted *pro hac vice*)

CA State Bar No. 120426

Edward E. Johnson (admitted *pro hac vice*)

CA State Bar No. 241065

Michelle Monroe (admitted *pro hac vice*)

CA State Bar No. 311776

THEODORA ORINGHER PC

535 Anton Boulevard, Ninth Floor

Costa Mesa, CA 92626-7109

Telephone: (714) 549-6200

Fax: (714) 549-6201

Email: ttheodora@tocounsel.com

ejohnson@tocounsel.com

mmonroe@tocounsel.com

Attorneys for Defendant AEON Biopharma, Inc.
(F/K/A Alphaeon Corporation)

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2022, a copy of the foregoing **NOTICE OF DEFENDANT AEON BIOPHARMA, INC.'S MOTION TO DISMISS AMENDED CLASS ACTION COMPLAINT** was served via E-mail on the following:

THE ROSEN LAW FIRM, P.A.
Sara Fuks
Laurence Rosen
Phillip Kim
275 Madison Avenue, 40th Floor
New York, New York 10016
Telephone: (212) 686-1060
Fax: (212) 202-3827
Email: sfuks@rosenlegal.com
lrosen@rosenlegal.com
pkim@rosenlegal.com

Lead Counsel for Plaintiffs

Jonathan Rosenberg
B. Andrew Bednark
O'MELVENY & MYERS LLP
Seven Times Square
New York, New York 10036
Email: jrosenberg@omm.com
abednark@omm.com

*Attorneys for Defendants Evolus, Inc.,
David Moatazedi, Rui Avelar, and Lauren Silvernail*

/s/ Edward E. Johnson
Edward E. Johnson